

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**DON EUGENE SIEGELMAN**

**PAUL MICHAEL HAMRICK**

**GARY MACK ROBERTS**

**RICHARD M. SCRUSHY**

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**CRIMINAL NO. 2:05-CR-119-MEF**

**UNITED STATES' PROPOSED SUPPLEMENTAL JURY INSTRUCTION ON HONEST  
SERVICES FRAUD OFFENSES**

COMES NOW the United States of America, by and through Louis V. Franklin, Sr., Acting United States Attorney for the Middle District of Alabama, and Andrew C. Lourie, Acting Chief of the Public Integrity Section of the Criminal Division of the United States Department of Justice, and hereby respectfully submits, as directed by the Court this day at the parties' charging conference, the following proposed addition to the jury instructions on honest services fraud offenses.

Insert in the Court's proposed instructions on page 28 as the last sentence of the carry-over paragraph and on page 30 as the last sentence of the last paragraph, the following:

"Public officials and public employees do not defraud the public of honest services if their intent was solely the cultivation of business or political friendship, but they can defraud the public of honest services if they act with an intent to be influenced or rewarded regarding their official acts."

By submitting this proposed instruction, the United States in no way waives its objection to the Court's decision to give this additional charge that is not included in the Eleventh Circuit Pattern Jury Instructions.

Respectfully submitted this 13th day of June, 2006.

LOUIS V. FRANKLIN, SR.  
ACTING UNITED STATES ATTORNEY

/s/ Louis V. Franklin, Sr.  
Acting United States Attorney  
One Court Square, Suite 201  
Montgomery, AL 36104  
Phone: (334) 223-7280  
Fax: (334) 223-7560  
Email: louis.franklin@usdoj.gov

/s/ J.B. Perrine  
Assistant United States Attorney  
One Court Square, Suite 201  
Montgomery, AL 36104  
Phone: (334) 223-7280  
Fax: (334) 223-7135  
Email: jb.perrine@usdoj.gov  
ASB-9077-E31J

/s/ Jennifer Garrett  
Special Assistant United States Attorney  
Assistant Attorney General  
Office the Attorney General  
11 S. Union  
Montgomery, AL 36130  
Phone: (334) 353-8494  
Fax: (334) 242-4890  
Email: jgarrett@ago.state.al.us  
ASB-4600-T77J

/s/ Stephen P. Feaga  
Assistant United States Attorney  
One Court Square, Suite 201  
Montgomery, AL 36104  
Phone: (334) 223-7280  
Fax: (334) 223-7560  
Email: steve.feaga@usdoj.gov  
ASB-7374A60S

ANDREW C. LOURIE  
ACTING CHIEF, PUBLIC INTEGRITY  
SECTION

/s/Richard C. Pilger  
Department of Justice, Criminal Division  
Public Integrity Section  
1400 New York Ave. NW  
Bond Building, 12th Floor  
Washington, DC 20530  
Phone: (202) 514-1412  
Fax: (202) 514-3003  
Email: richard.pilger@usdoj.gov

/s/ Joseph L. Fitzpatrick, Jr.  
Special Assistant United States Attorney  
Assistant Attorney General  
Office of the Attorney General  
11 S. Union  
Montgomery, AL 36130  
Phone: (334) 353-4839  
Fax: (334) 242-4890  
Email: [j.fitzpatrick@ago.al.state.us](mailto:j.fitzpatrick@ago.al.state.us)

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 13th, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted this 13th day of June 2006.

/s/ J.B. Perrine  
J.B. Perrine  
Assistant United States Attorney  
One Court Square, Suite 201  
Montgomery, AL 36104  
Phone: (334) 223-7280  
Fax: (334) 223-7135  
Email: [jb.perrine@usdoj.gov](mailto:jb.perrine@usdoj.gov)  
ASB-9077-E31J